

UNITED STATES DISTRICT COURT  
Northern District of California

GREGORY W. SCHWARTZ,

No. C 12-6187 MEJ

Plaintiff,

**ORDER REFERRING CASE TO ADR  
UNIT FOR ASSESSMENT  
TELEPHONE CONFERENCE**

v.

WELLS FARGO HOME MORTGAGE, et al.,

Defendants.

Pursuant to Civil Local Rule 16-8 and Alternative Dispute Resolution (ADR) Local Rule 2-3, the Court refers this action to the ADR Unit for a telephone conference to assess the case's suitability for mediation or a settlement conference. The parties shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than April 11, 2013.

The parties shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference. In preparation for the telephone conference, Plaintiff shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.
- (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims, Plaintiff shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiff shall immediately notify Defendants' counsel of the request for a loan modification.
- (3) Provide counsel for Defendants with information necessary to evaluate the prospects for loan modification, in the form of a financial statement, worksheet or application customarily used by financial institutions.

1 In preparation for the telephone conference, Defendant(s) shall do the following.

- 2 (1) If Defendants are unable or unwilling to do a loan modification after receiving  
3 notice of Plaintiff's request, counsel for Defendants shall promptly notify  
4 Plaintiff to that effect.
- 5 (2) Arrange for a representative of each Defendant with full settlement authority to  
6 participate in the telephone conference.

7 The ADR Unit will notify the parties of the date and time the telephone conference will be  
8 held. After the telephone conference, the ADR Unit will advise the Court of its recommendation for  
9 further ADR proceedings.

10 The April 4, 2013 hearing on Defendants' motion to dismiss is VACATED pending resolution  
11 of this ADR process.

12 **IT IS SO ORDERED.**

13 Dated: March 14, 2013

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15 Maria-Elena James  
16 United States Magistrate Judge  
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